

**REMARKS**

Applicants would like to thank the Examiner for the personal interview that was conducted on January 26, 2009. As discussed during the interview, Applicants believe that the prior art of record does not disclose the two limitations that have now been added to claim 1. The Examiner indicated while this appeared to be true, additional review and consideration of the prior art would be necessary to confirm this. A further limitation relating to the absence of an actuating device was suggested by the Examiner, which has been added as new dependent claim 8.

Further, the application has been carefully reviewed in light of the Interview and the Office action, and amended as necessary to more clearly and particularly describe the claimed subject matter.

With reference to the Office action, Applicants acknowledge the Examiner's indication that both claim 2 and newly added claim 7 have been withdrawn from consideration since they are directed to non-elected species. Applicants also respectfully submit that claim 1 is necessarily generic to claim 7, since claim 7 depends from claim 1.

The Office action indicates that the information disclosure statement (IDS) filed on May 26, 2005 has not been considered since copies of cited references were not provided in accordance with 37 CFR 1.98(a)(2). A copy of this IDS is being resubmitted, along with copies of each cited reference for consideration by the Examiner.

The drawings were objected to under 37 CFR 1.83(a) as not showing every feature of claims 5 and 6. For purposes of expediting the prosecution of the application and overcoming the objection, claims 5 and 6 have been canceled. It is noted for the record that claims 5 and 6 are not being canceled for any reason related to their patentability.

The specification was objected to. Specifically, the Office action indicated that reference characters included in the abstract of the disclosure should either be deleted or shown in parenthesis. The abstract has been amended accordingly herein to place all reference characters in parenthesis.

Claim 5 was rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. As mentioned above, claim 5 has been canceled by amendment herein, thereby rendering the rejection moot. It is noted for the record that Applicants do not acquiesce to the merits of this rejection by the cancellation of claim 5.

Claims 1 and 3-6 were rejected under 35 U.S.C. 112, second paragraph as being indefinite. Claim 1 has been amended to replace the term “produce”, which was erroneously introduced in a previous amendment, with the term --protrude—as it was originally filed.

Regarding the limitation “when the first and second members are made to rotate relatively,” Applicants respectfully submit that this limitation is sufficiently definite for purposes of 35 U.S.C. 112, second paragraph. First, it is noted that antecedence for this limitation is present in the preamble of the claim. Further, it is submitted that it is not necessary for the claim to recite the event which causes such rotation to occur for purposes of definiteness under 35 U.S.C. 112, second paragraph. The claim, as written, is intended to broadly cover any relative rotation of the first and second members, regardless of the cause. It is respectfully submitted that, as set forth in MPEP 2173.04:

Breadth of a claim is not to be equated with indefiniteness. *In re Miller*, 441 F.2d 689, 169 USPQ 597 (CCPA 1971). If the scope of the subject matter embraced by the claims is clear, and if applicants have not otherwise indicated that they intend the invention to be of a scope different from that defined in the claims, then the claims comply with 35 U.S.C. 112, second paragraph.

By not reciting the cause of the relative rotation in claim 1, the breadth of the claim is such that it can encompass any such relative rotation, regardless of the cause. While the scope of

this particular limitation is substantially broad, it is sufficiently clear for purposes of 35 U.S.C. 112, second paragraph. Accordingly, Applicants respectfully request withdrawal of the rejection.

Claims 1, 3 and 4 were rejected under 35 U.S.C. 102(b) as being anticipated by DE 29717628 to Morawski or JP4-13285 or U.S. Patent No. 6,186,023 to Nakamura. Further, claims 1 and 3-6 were rejected under 35 U.S.C. 102(b) as being anticipated by JP 02-180580. For the following reasons, each of these rejections is respectfully traversed.

Claim 1 has been amended to incorporate new limitations, as well as limitations from claim 3, which as amended no longer depends from claim 1.

With reference to amended claim 1, neither Morawski nor JP4-13285 nor Nakamura nor JP 02-180580 teaches all of the limitation of the claims including that “the first positioning member and the guide member adopt a socket and spigot construction which is free from mechanical loosening.”

With further reference to amended claim 1, as explained in more detail below, neither Morawski nor JP4-13285 nor Nakamura nor JP 02-180580 teaches that a “first positioning member is held at a position where the first positioning member does not protrude from the first member when performing a normal operation, whereas only when performing an origin adjustment, the first positioning member is made to protrude.”

With reference to Morawski, the Office action cites item 14' as the positioning member of claim 1. The Office action however, does not cite any disclosure of the reference that teaches that item 14' is held at a position where the positioning member does not protrude from the first member, as required by amended claim 1. As shown in Fig. 2, the length of item 14' would prevent it from being held in a position where it does not protrude from item 29. Furthermore, as shown in Fig. 2, there is sufficient clearance between item 13

and item 29, that it would not be necessary or warranted to modify the design in order to prevent item 14' from protruding from item 29 in a disengaged position.

Further, with reference to JP4-13285, the Office action cites item 42b as the positioning member of claim 1. The Office action however, does not cite any disclosure of the reference that teaches that item 42b is held at a position where the positioning member does not protrude from the first member, as required by the claims. As shown in Fig. 8, when a similar member (item 42f) is in a retracted position, it still protrudes substantially from the supporting structure, while allowing clearance for item 22.

With reference to Nakamura, the Office action cites the latch (17) as the positioning member of claim 1. Applicant respectfully submits that there is no disclosure in Nakamura that the latch (17) is held at a position where the positioning member does not protrude from a first member, as required by the claims. Rather, as illustrated in FIGS. 2 and 3, the latch (17) protrudes from the lever (16) regardless of its position.

Finally, with reference to JP 02-180580, the Office action indicates that the claims are clearly anticipated, but does not provide any explanation of what disclosure is considered to anticipate each of the limitations of the claims. If, *in arguendo*, the sliding rod (26) is considered to be the positioning member of claim 1, there is no disclosure in the reference that the rod (26) is held at a position where it does not protrude from a first member, as required by the claims. As shown in Fig. 1, the rod (26) appears to protrude from a first member (12) in a retracted position while being disengaged from a notch (16) of a second member (14).

For at least the above reasons, Applicants respectfully submit that none of the cited references teaches the aforementioned limitations of amended claim 1. Thus, amended claim

Appl. No. 10/536,594  
Response Dated October 29, 2008  
Reply to Office action of August 29, 2008

1 and its dependent claims are not fully anticipated by the cited references and the rejections under 35 U.S.C. 102(b) should be withdrawn.

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. NGB-38313.

Respectfully submitted,

PEARNE & GORDON LLP

By: /Aaron A. Fishman/  
Aaron A. Fishman, Reg. No. 44682

1801 East 9th Street  
Suite 1200  
Cleveland, Ohio 44114-3108  
(216) 579-1700  
Date: February 6, 2009